

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

EDWARD DAVIS,

Plaintiff,

vs.

NURSE KIMBERLY and DR. V. SHAH,

Defendants.

Case No. 14-cv-192-SMY

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“R & R”) (Doc. 31) of Magistrate Judge Philip M. Frazier recommending this Court dismiss this case for failure to comply with 28 U.S.C. § 1915(b)(1) by failing to pay his initial partial filing fee in a timely manner.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the R & R. The Court has reviewed the entire file and finds that the R & R is not clearly erroneous. Accordingly, the Court **ADOPTS** the R & R (Doc. 31) and **DISMISSES** this case for failure to comply with 28 U.S.C. § 1915(b)(1) by failing to timely pay the initial partial filing fee. The Court **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: September 29, 2014

s/ Staci M. Yandle
STACI M. YANDLE
DISTRICT JUDGE